



State of South Carolina

Office of the Governor

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June 4, 2007

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
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Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3711, R-74.

This bill would amend the "Joint Municipal Water Systems Act" by creating the "Joint Authority Water and Sewer Systems Act," a new section that would allow all entities with the power to provide water and sewer services to collaborate with one another to form joint authorities for these purposes, creating a joint authority commission to regulate those activities.

I would sign this bill if it simply allowed cities and municipalities to collaborate for purposes of providing water and sewer services. Earlier this month I signed into law the Priority Investment Act to require local governments to communicate with one another when providing such services. This bill also strengthens special purpose districts and I have reservations about a bill that perpetuates the reach of special purpose districts.

By conservative estimates, South Carolina has approximately 300 special purpose districts that provide water, sewer, fire, ambulatory and other community services. These districts were once necessary, when state law prohibited counties and municipalities from providing these services. With the enactment of Home Rule in 1974, counties and municipalities are now able provide those services and in most cases do. The only exception is where those services are already provided by special purpose districts.

It is our belief that once municipalities and counties were provided the power to provide services to their constituents, special purpose districts should have been phased out. The people elect their representatives to city and county councils and those entities should decide how services are provided, not special purpose districts comprised, in most cases, of unelected representatives.

I believe that continuing to empower such districts, as H. 3711 would allow, further undermines the principle of Home Rule. Rather than expanding the powers of these districts, we should, I

The Honorable Robert W. Harrell, Jr.

June 4, 2007

Page 2

believe, dissolve these entities back to local governments comprised of elected representatives. Disconnecting the duty to provide essential services from those who are directly accountable to the people is simply bad public policy.

For example, the City of Beaufort and Beaufort County have been frustrated for years by decisions made by the Beaufort-Jasper Water & Sewer Authority, the special purpose district that provides water and sewer services in that area of the state. The city and county want to limit sprawl, in accordance to the wishes of the community. They are, however, limited in their ability to do so because the unelected special purpose district makes the decisions on where water and sewer service should be provided – allowing development to occur.

I understand that this bill does not allow for the creation of any additional special purpose districts; however, it does allow existing districts that provide water services to join with other water-providing entities for the purpose of providing water *and* sewer services. In doing this, special purpose districts are not only sustained well into the future, but further empowered and enabled to expand their service territory. This is the exact opposite direction of where I think we should be heading.

The advent of Home Rule gave local governments the power to provide critical community services, such as water and sewer, and in giving this power to elected bodies it gave power back to the people. We support the idea of Home Rule and, for that reason, cannot support legislation that sustains or increases the power of special purpose districts. For these reasons, I have vetoed H. 3711, R-74.

Sincerely,



Mark Sanford